IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 9859 of 2004

Between:

Vombolu Peda Venkatarao, s/o Ramulu, aged 55 years,
r/o Indukurupeta (V), Devipatnam Mandal, E.G.District.

..... PETITIONER

AND

1 The Addl.Agent to the Govt., E.G.District at Rampachodavaram.
2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram, E.G.District.
3 The Mandal Revenue Officer, Devipatnam (M), E.G.District.
4 The Special Deputy Tahsildar (Tribal Welfare), Devipatnam, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 to 4 in taking possession of the petitioner's land to an extent of Ac.1.41 cents in Sy.No.23/7 & 84/2 of Indukurupeta (V), Devipatnam (M), E.G.District in pursuance of the order in L.T.R.P.No.85/2003 even before the statutory period to prefer an appeal is over as illegal, arbitrary and further declaring the impugned action of taking possession of the above land as contrary to the rules framed under A.P.Scheduled Areas Land Transfer Rules, 1969 and consequently restore the land to the petitioner pending disposal of the appeal.

Counsel for the Petitioner: MR.K.VENKATESH

For the Respondents : GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following :

O R D E R :

The petitioner is a non-tribal. He is having land in an extent of Ac.1-41 cents in tribal area. The second respondent passed the order on 26-03-2004 directing restoration of the land to the government. The petitioner contends that against the said order, he preferred an appeal to the first respondent on 11-06-2004 challenging the order of the second respondent. The contention of the petitioner is that, even before the lapse of the appeal time, the third respondent took the possession of the property by dispossessing the petitioner from the said land. The petitioner further contends that since he is in possession and enjoyment of the property long prior to 1970, he is entitled for protection and to continue in possession of the property. Therefore, he approached this Court seeking a declaration that the action of the respondents 2 to 4 in taking the possession of the petitioner's land in pursuance of the order in L.T.R.P.No.85 of 2003 even before statutory period to prefer an appeal is over, as illegal and arbitrary and to set aside the same. The petitioner further contends that the procedure prescribed under Rule 7(4) of A.P. Scheduled Areas Land Transfer Rules, 1969 are not followed.

2. In the light of the above contentions of the petitioner, the first respondent is directed to pass appropriate orders on merits in the appeal of the petitioner said to be filed on 11-06-2004 within three months from the date of receipt of this order and communicate the same to the petitioner.

3. The Writ Petition is accordingly disposed of. No order as to costs.

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03-08-2004

ASSISTANT REGISTRAR

//**TRUE COPY**//

SECTION OFFICER

To

1 The Addl.Agent to the Govt., E.G.District at Rampachodavaram.
2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram, E.G.District.
3 The Mandal Revenue Officer, Devipatnam (M), E.G.District.
4 The Special Deputy Tahsildar (Tribal Welfare), Devipatnam, E.G.District.

5 2CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad(OUT)

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